

REMARKS

Reconsideration is requested.

Claims 1, 10 and 19-28 are pending.

The specification has been amended in response to the Examiner's comments in paragraph 5 of the Office Action of February 19, 2004. The Examiner's explanation of the status of prior amendments noted in paragraph 5 of the Office Action is acknowledged, with appreciation. The specification is submitted to be complete.

The Examiner is again requested to hold in abeyance the provisional Section 101 rejection of claims 1 and 10 over claims 3 and 17, respectively, of co-pending application Serial No. 10/162,553, until such time as allowable subject matter is indicated.

The applicants believe the provisional obviousness-type double patenting rejection of claims 19-28 over claims 1, 2, 4-16 and 18-30 of co-pending application Serial No. 10/162,553, should be withdrawn, assuming this is the only outstanding rejection, pursuant to MPEP Section 1490 (page 1400-81, Rev. 2, May 2004). The Examiner is requested to advise the undersigned however if otherwise.

The Section 112, first paragraph, rejection of claims 1, 10, 19-26 and 28 is submitted to be obviated by the attached Declaration of Dr. Fransen. Reconsideration and withdrawal of the Section 112, first paragraph, rejection in view of the attached is requested. The Examiner is requested to contact the undersigned if anything further is required in this regard.

LUCAS et al.
Appl. No. 09/779,703
August 19, 2004

An indication of the allowability of all the pending claims is requested.

Respectfully submitted,

NIXON & VANDERHYE P.C.

By:



B. J. Sadoff

Reg. No. 36,663

BJS:pp
1100 North Glebe Road, 8th Floor
Arlington, VA 22201-4714
Telephone: (703) 816-4000
Facsimile: (703) 816-4100